

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

COLTON LEEKLEY-WINSLOW,

Case No. 19-CV-0587 (SRN/KMM)

Plaintiff,

v.

ORDER

FAIRVIEW HEALTH SERVICES, ET
AL.

Defendants.

This is before the Court on a number of matters. The plaintiff, Colton Leekley-Winslow, filed two motions: a Motion for Extension of Time for Filing (ECF No. 93), and a Motion to Permit Earlier Discovery and Compel Discovery (ECF No. 94). Defendant Fairview Health Services (“Fairview”) has also written the Court for guidance regarding its obligations to respond to Mr. Leekley-Winslow’s motions, as they have not yet waived service or otherwise been served. (ECF No. 98.) The Court will GRANT Mr. Leekley-Winslow’s Motion for Extension of Time and will DENY WITHOUT PREJUDICE his Motion to Permit Early Discovery.

On February 14, 2020, this Court entered an Order granting Mr. Leekley-Winslow *in forma pauperis* status and ordering him to complete and return Marshal Service forms within 30 days. On March 9, 2020, he moved for additional time to serve three unknown defendants, “Nurse 1,” “Detention Team Member 1,” and “Psych Associate 1.” (ECF No. 93.) That same day, he moved for early discovery and to compel defendant Fairview Health Services, who has not yet returned a waiver of service or otherwise been served, to disclose the identities of the three unknown defendants. (ECF No. 94.) The Court has discretion to grant extensions to serve John Doe defendants for good cause. *See Manos v. Fed. Bureau of Prisons*, No. 18-cv-427 PJS/HB, 2020 WL 589441 at *2 (D. Minn. Jan. 14, 2020). Here, the Court finds that good cause exists. Mr. Leekley-Winslow is diligently pursuing his claims and has timely requested an extension. Further, Fairview has indicated in its letter to the Court that it is working to discover the identities of the unknown defendants. Thus, a moderate extension is reasonable.

Because Fairview has indicated that it is working to identify the unknown defendants, and because Mr. Leekley-Winslow himself has acknowledged this in his Motion for Extension of Time, the Court will deny his Motion for Early Discovery and to Compel Discovery. At this time, it is unnecessary to pursue early discovery or compel it because Fairview is voluntary working with Mr. Leekley-Winslow to get him the information he seeks. Further, because Fairview has not yet been served or waived service, this Court has no jurisdiction over it.

Finally, by ruling on these two motions, the Court believes it has addressed Fairview's concerns laid out in its letter to the Court. If there are additional questions, it may submit another letter. The Court encourages all parties to continue the spirit of cooperation already demonstrated in this lawsuit as it progresses.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. Mr. Leekley-Winslow's Motion for Extension of Time for Filing USM-285 Forms is GRANTED. The time to file the forms is extended by 60 days from the date of this Order.
2. Mr. Leekley-Winslow's Motion to Allow Earlier Discovery and to Compel Discovery is DENIED WITHOUT PREJUDICE. The parties are encouraged to work together to identify the currently unknown defendants.

Dated: March 25, 2020

/s/ Katherine M. Menendez _____
Katherine M. Menendez
United States Magistrate Judge